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INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
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RUEHBY/AMEMBASSY CANBERRA 2215  
RUEHNE/AMEMBASSY NEW DELHI 5679  
RUEHUL/AMEMBASSY SEOUL 9283  
RUEHKO/AMEMBASSY TOKYO 6862  
RUEAIIA/CIA WASHDC  
RHHMUNA/CDR USPACOM HONOLULU HI  
RUEHGV/USMISSION GENEVA 4657  
RHEHNSC/NSC WASHDC  
RUCNDT/USMISSION USUN NEW YORK 2654  
RUEKJCS/SECDEF WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000518

SIPDIS

STATE FOR EAP, IO, AND CA/OCS/ACS/EAP; PACOM FOR FPA

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TAGS: [CASC](#) [PGOV](#) [PHUM](#) [PREL](#) [BM](#)

SUBJECT: ASSK GETS THREE YEARS, REDUCED TO EIGHTEEN MONTHS'  
HOUSE ARREST

REF: RANGOON 475

Classified By: P/E Chief Jennifer Harhigh for Reasons 1.4 (b) & (d)

Summary

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11. (C) A Burmese court on August 11 convicted Aung San Suu Kyi (ASSK) and her two assistants of violating the terms of ASSK's house arrest and sentenced all three to three-year terms. The court convicted detained American John Yettaw on three separate charges, sentencing him to seven years. Immediately following the court session, Minister of Home Affairs MajGen Maung Oo entered the courtroom and announced the State Peace and Development Council (SPDC) would commute the sentences for the women to eighteen months of house arrest under terms that may be a bit less restrictive than previously. ASSK thanked assembled diplomats for expressing concerns about her case to the Government of Burma and said she hopes for opportunities to work together for her country's peace and prosperity. We comment that the verdicts confirm the Burma regime's intent to sideline ASSK from the political process until after the 2010 elections. End summary.

Court Sentences ASSK, Assistants to Three Years, Yettaw to Seven Years  
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12. (SBU) Court officials began the August 11 trial session at 10:45 a.m., after an unexplained 45 minute delay, by recapping the charges against ASSK, her two assistants and American John Yettaw and their subsequent pleas. Before a courtroom packed with foreign diplomats (including a few Bangkok-based Chiefs of Mission), local press and international media stringers, the court first convicted Yettaw on charges of immigration and municipal trespassing violations, handing down terms of three years and one year, respectively. Shortly before noon, judges convicted and sentenced all four defendants to three-year terms in connection with ASSK's alleged violation of her house arrest.

"Theater of the Absurd"  
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¶3. (SBU) As soon as the trial session concluded, prison officials whisked Yettaw away, drew a dark green curtain across the courtroom, erected a podium, and ushered a visibly furious ASSK and her two assistants to three chairs facing the podium. Minister of Home Affairs MajGen Maung Oo arrived, stalked to the podium, and barked at ASSK's legal team and court officials: "Sit! If you don't sit, I'm going to kick you out!" He proceeded to read an SPDC statement signed by Than Shwe commuting the sentences for the three women to eighteen months' house arrest. The SPDC acknowledged the verdict of the court, but recognizing that ASSK is the daughter of independence hero Aung San and in the spirit of national reconciliation, had decided to halve the sentence and allow house arrest in the interests of preserving peace. The statement indicated that "good behavior" (presumably following all restrictions) could lead to a full amnesty.

#### Less Restrictive House Arrest?

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¶4. (SBU) Maung Oo read the conditions of the new term of house arrest, which appear to be a bit less restrictive than in the recent past. ASSK and her two assistants may stay at her University Avenue compound "independently" (no further information); may receive "guests" (no clarification); may see a doctor regularly; may read books, magazines and newspapers; may watch state television; and may submit additional requests by letter.

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#### ASSK Looks to the Future, Returns to Residence

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¶5. (SBU) Upon the Minister's exit, a somewhat calmer ASSK approached Charge and other assembled diplomats and thanked them and their governments for expressing concern to the GOB. In a possible nod to the new "guest" privileges of her house arrest, she added "I hope we have the opportunity in the future to work for the peace and prosperity of my country and for peace in the rest of the world."

¶6. (SBU) RSO reported that the road in front of ASSK's house was closed at approximately 12:30 p.m. today, shortly after the verdict was announced. We confirmed ASSK was escorted by police to her residential compound, located approximately one quarter mile from the Embassy, at 1:30 p.m.

#### Yettaw's Attorney Planning to Appeal; ASSK Lawyer Non-committal

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¶7. (SBU) Reacting to the verdict, Yettaw's attorney later said to Consul "Seven years. It's not the end of the world. I will appeal." (Note: Yettaw had told us and his attorney previously he had no desire to appeal. See septel regarding Consul's discussion with Yettaw after the verdict, in which an appeal now seems a possibility. End note.) Yettaw appeared healthy; a medical team accompanied him to the courtroom.

¶8. (C) ASSK personal attorney U Kyi Win, aka Neville, told Consul at the conclusion of the trial that he would file an appeal if ASSK wants to do so. Previously, her attorneys told us they would exercise all options for appeal, potentially a three-stage process that could last three-four months (reftel).

#### Comment: ASSK Sidelined in Time for Elections

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¶9. (C) After months of legal wrangling, speculation, and today's dramatically staged performance by the Home Minister, the result -- a return to house arrest -- was exactly what

ASSK herself had expected (reftel). Despite the regime's shameless attempt to appear magnanimous, today's decision was extremely disappointing. Aung San Suu Kyi is unjustly detained, and 18 more months of house arrest would effectively sideline her from any role in Burma's political process well past the regime's scheduled 2010 elections. This was a flimsy case from the start, founded on an unwarranted detention, and magnified by the truly surreal actions of a hapless American who entered her compound while she was under the "protection" of Burmese security services. In the courtroom today after the verdicts, the immediate change of sets for the Home Affairs Minister's pre-prepared announcements left no doubt, if any existed, that the verdicts were manipulated by Nay Pyi Taw, not independently arrived at by the judges.

¶10. (C) Although the regime has yet to issue election-related legislation in advance of the planned 2010 elections, the new Constitution appears to indicate that anyone convicted of a crime is ineligible to stand for election. Other observers have noted that ASSK might be barred from running because of her past marriage to a foreigner. In any event, ASSK is not free to engage in the political life of this country as she wishes, her contacts with the outside world will still be controlled by the regime, and true reconciliation in Burma seems ever farther out of reach.

DINGER